

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014070093

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
AND DUE PROCESS HEARING
DATES

On February 19, 2015, the parties filed a joint request to continue the dates in this matter because they have reached a settlement agreement resolving all issues in this pending case. According to their request, the parties are in need of additional time in order to prepare and finalize a written settlement agreement between the parties.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request to continue the dates is:

☒ **Granted. The parties are advised that no further continuances will be granted absent a showing of exceptional good cause.** All dates are vacated, and this matter will be reset as follows:

Prehearing Conference: **April 27, 2015, at 1:00 PM**

Due Process Hearing: **May 5-7, 2015, at 9:30 AM**, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:00 a.m. and end at 5:00 p.m. each day, with the exception of May 5, 2015, when the hearing shall begin at 9:30 a.m., unless otherwise ordered.

IT IS SO ORDERED.

DATE: February 20, 2015

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings